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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,234	12/21/2004	Chua Chien Liang	2004-342	9708
27569	7590	08/05/2009	EXAMINER	
PAUL AND PAUL 2000 MARKET STREET SUITE 2900 PHILADELPHIA, PA 19103			KIM, TAE K	
			ART UNIT	PAPER NUMBER
			2453	
			NOTIFICATION DATE	DELIVERY MODE
			08/05/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/519,234	<b>Applicant(s)</b> LIANG, CHUA CHIEN	
	<b>Examiner</b> TAE K. KIM	<b>Art Unit</b> 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 33,35 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33,35 and 37-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is in response to the Applicant's response filed on May 20, 2009. Claims 1 – 32, 34, and 36 have been cancelled by the Applicant. Claims 40 – 42 have been added by the Applicant. Claims 33, 35, 37 – 42, where Claims 40, 41, and 42 are in independent form, are presented for examination.

### ***Response to Arguments***

Applicant's arguments filed on May 20, 2009 have been fully considered but they are moot based on the new grounds of rejection as stated below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 40 – 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

1. Regarding Claims 40 – 42, the phrase "the method working in such a way" renders the claim(s) indefinite because the claims include elements not actually disclosed (those encompassed by "the method working in such a way"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The phrase "the method working in such a way" suggests that other methods or additional steps "work in such a way" so that there is only one last new member of the group at any point in time. The Examiner suggests amending the limitations with more active language to provide more weight to the particular steps within the method claims.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 33, 35, 37, 38, 40, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,092,952, invented by Peter Wilens (hereinafter “Wilens”).**

2. Regarding Claim 40, Wilens discloses a method of generating a group of persons from a plurality of participating persons for enabling networking [Abstract; Col. 2, Line 54-65], said method comprising:

(a) each participating person selecting a set of indications [Figs. 6, 6A-E; Abstract; Col. 2, Line 54-65], the set of indications consisting only of at least one other participating person that said each participating person wishes to meet [Figs. 6, 6A-E];

(b) recording the set of indications in a database after indicating [Figs. 6, 6A-E; Col. 5, Line 15 – Col. 6, Line 28];

(c) processing the set of indications recorded in the database by a computerized system to form the group [Figs. 6, 6A-E; Col. 5, Line 15 – Col. 6, Line 28], comprising:

(i) including as a first member of the group any participating person who has indicated at least one other participating person in the set of indications, thereby becoming a last new member of the group [Col. 5, Line 15 – Col. 6, Line 28];

(ii) including in the group another participating person indicated in the set of indications of the last new member of the group, said another participating

person thereby then becoming the last new member of the group after joining the group, the method working in such a way that there is only one last new member of the group at any point in time [Col. 5, Line15 – Col. 6, Line 28]; and

(iii) repeatedly including new persons to the group by the above step (ii) until a new person to be included in the group is already included in the group [Abstract; Col. 2, Line 54-65; Col. 5, Line15 – Col. 6, Line 28; for fellow subscribers to be assigned to the same group, a multi-way match is performed to ensure all members are compatible with one another].

3. Regarding Claim 41, a method of generating a group of persons from a plurality of participating persons for enabling networking [Abstract; Col. 2, Line 54-65], said method comprising:

(a) each participating person selecting a set of indications, the set of indications consisting only of at least one other participating person that said each participating person wishes to meet [Figs. 6, 6A-E; Abstract; Col. 2, Line 54-65];

(b) recording the set of indications in a database after indicating [Figs. 6, 6A-E; Col. 5, Line15 – Col. 6, Line 28];

(c) processing the set of indications recorded in the database by a computerized system to form the group [Figs. 6, 6A-E; Col. 5, Line15 – Col. 6, Line 28], comprising:

(i) including as a first member of the group any participating person who has indicated at least one other participating person in the set of indications, thereby becoming a last new member of the group [Col. 5, Line15 – Col. 6, Line 28];

(ii) including in the group another participating person indicated in the set of indications of the last new member of the group, said another participating person thereby then becoming the last new member of the group after joining the group, the method working in such a way that there is only one last new member of the group at any point in time [Col. 5, Line15 – Col. 6, Line 28]; and

(iii) repeatedly including new persons to the group by the above step (ii) until the number of persons in the group reaches a predetermined quantity [Col. 7, Lines 39-40; user is prompted to list the number of people to add to the group].

4. Regarding Claims 33 and 35, Wilens discloses all the limitations of Claims 40 and 41 above. Wilens further discloses that the plurality of participating persons are already pre-selected in terms of having already indicated a common time and a common place to meet [Fig. 6C; times, days and driving distances are set in user profiles].

5. Regarding Claims 37 and 38, Wilens discloses all the limitations of Claims 40 and 41 above. Wilens further discloses that the set of indications is a list of other participating persons that a participating person wishes to meet [Fig. 6, 6A-E; Col. 5, Line15 – Col. 6, Line 28].

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilens, in view of U.S. Appl. 2002/0023090, filed by John S. McGeachie (hereinafter "McGeachie").**

6. Regarding Claim 42, Wilens discloses a method of generating a group of persons from a plurality of participating persons for enabling networking [Abstract; Col. 2, Line 54-65], said method comprising:

(a) each participating person selecting a set of indications [Figs. 6, 6A-E; Abstract; Col. 2, Line 54-65], the set of indications consisting only of at least one other participating person that said each participating person wishes to meet [Fig. 6, 6A-E]:

(b) recording the set of indications in a database after indicating [Fig. 6, 6A-E; Col. 5, Line15 – Col. 6, Line 28];

(c) processing the set of indications recorded in the database by a computerized system to form the group [Fig. 6, 6A-E; Col. 5, Line15 – Col. 6, Line 28], comprising:

(i) including as a first member of the group any participating person who has indicated at least one other participating person in the set of indications, thereby becoming a last new member of the group [Col. 5, Line15 – Col. 6, Line 28];

(ii) including in the group another participating person indicated in the set of indications of the last new member of the group, said another participating person thereby then becoming the last new member of the group after joining the group, the method working in such a way that there is only one last new member of the group at any point in time [Col. 5, Line15 – Col. 6, Line 28]; and

(iii) repeatedly including new persons to the group by the above step (ii) until a new person to be included in the group is already included in the group [Abstract; Col. 2, Line 54-65; Col. 5, Line 15 – Col. 6, Line 28; for fellow subscribers to be assigned to the same group, a multi-way match is performed to ensure all members are compatible with one another].

Wilens, however, does not specifically disclose that participating persons can also be participating corporations.

McGeachie discloses that persons can be associated with corporations [Fig. 7]. It is well known to one skilled in the art at the time of the invention that corporations are business entities that cannot perform any functions unless done through the acts of the people that represent and/or control the corporation. It would be obvious to one skilled in the art to allow corporations to communicate within an online one-on-one group to exchange information that may be related to commerce done through various corporations. Doing so would allow individuals to communicate their ideas to other individuals that share a similar interest or issue they are attempting to solve.

7. Regarding Claim 39, Wilens, in view of McGeachie, discloses all the limitations of Claim 42 above. Wilens further discloses that the set of indications is a list of other participating corporations that a participating corporation wishes to meet [Fig. 6, 6A-E; Col. 5, Line 15 – Col. 6, Line 28].

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### **Contacts**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (571) 272-4001. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Tae K. Kim/

Tae K. Kim  
Examiner, Art Unit 2453

July 21, 2009

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457